

**18-1477 BPG 18-1478 BPG****AFFIDAVIT IN SUPPORT OF APPLICATION FOR SEIZURE WARRANTS****18-1479 BPG**

I, Sarah Anderson, being duly sworn, depose and state the following:

1. I am a Special Agent employed by the Federal Bureau of Investigation (FBI) and have been since 2008 with primary investigative responsibilities involving criminal matters particularly related to economic or white collar crime. I have participated in several fraud investigations, with many of those investigations involving wire fraud, mail fraud, money-laundering and bank fraud.

2. At all times during this investigation described in this affidavit, I have been acting in my official capacity as a Special Agent with the FBI and have conducted interviews, collected and reviewed documents, and obtained information from the sources outlined in the following paragraphs as they relate to the issue of probable cause.

3. This affidavit supports application for seizure warrant for the following assets:

- a. All funds up to \$100,000.00 in Compass Bank account 6757334648 in the name of Michael Propach;
- b. All funds up to \$39,685.10 in the Bank of America account 229056878672 in the name of ML USA Consulting LLC;
- c. All funds up to \$15,314.90 in Wells Fargo Bank account 8367022202 in the name of JOELT LLC.

4. The federal criminal offenses being investigated in connection with this scheme include wire fraud, in violation of 18 U.S.C. 1343, and money laundering, in violation of 18 U.S.C. 1956 and 1957.

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5. The facts set forth in this affidavit are based upon my personal observations, my training and experience, and direct interview of John Marr III. Your Affiant has also reviewed bank records for accounts belonging to the initial recipients of the unauthorized wire transfers.

6. Based on the evidence developed, described and detailed herein, your Affiant submits that there is probable cause to believe that Candida Della Valle, Michael Propach, ML USA Consulting LLC and JOELT LLC have received and/or further disbursed proceeds related to the criminal offenses listed in paragraph 3 above; and probable cause to believe that the proceeds obtained as a result of the criminal offenses are held in the accounts documented and traceable to the bank accounts listed above.

7. This affidavit is intended to show that there is probable cause for the requested warrant and does not purport to set forth all of my knowledge of, or investigation into, this matter.

#### **OVERVIEW OF THE SCHEME**

8. The matter arose from a referral from Executive Assistant United States Attorney Chris Larson and Deputy Civil Chief Amanda Rocque on March 15, 2018. The referral involved a wire transfer intended for the United States Attorney's Office District of Colorado in settlement of a civil matter. The wire transfer was fraudulently redirected to another recipient.

9. On January 26, 2018, Carolyn Dean of the United States Attorney's office originally provided the official wiring instructions to Gail Crume through her attorney Jason Bowles of the Bowles Law Firm, for payment on the civil settlement.



10. On January 26, 2018, approximately one hour later, Gail Crume received a spoofed email appearing as though it had originated from Carolyn Dean, rescinding the original wiring instructions and providing a new recipient account.

11. Upon receiving the new email, Gail Crume became concerned that she was being targeted in a fraud.

12. Prior to her submitting the instructions for the wire, she became concerned and contacted the FBI office in the Albuquerque, New Mexico Division, the local Sheriff's Department, and her attorney.

13. On March 9, 2018, Special Agent David De Los Santos of the Albuquerque Division, Roswell Resident Agency, of the FBI contacted Deputy Civil Chief Amanda Rocque for confirmation that the wire instructions were accurate. Deputy Civil Chief Amanda Rocque confirmed that Gail Crume should proceed with the wire instructions that Carolyn Dean provided, not realizing that there had been a second email with payment instructions, this one fraudulent.

14. Due to the fact that no party identified that the email had been spoofed, Gail Crume sent the wire transfer to Bank of America, account number 325104833272 in the name of Aviva Trade.

15. On March 12, 2018, your Affiant contacted Gail Crume and advised her that Aviva Trade was not the legitimate recipient for the funds and told her to put a hold on the wire. Gail Crume advised your Affiant that the funds were not sent due to a typographical error at her bank.

16. On March 12, 2018, your Affiant contacted William Witherspoon, Investigator, Bank of America, and he confirmed that the wire initiated from Gail

4/1

Crume's Bank of America account was never sent out to Aviva Trade. William Witherspoon further advised that the customer name on the Bank of America account 325104833272 was not Aviva Trade but the account name of Candida Della Valle. William Witherspoon stated that although Gail Crume's funds were not deposited, the Bank of America account 325104833272 had fraud indicators and was closed on March 13, 2018, with a balance of \$31,000.00.

**Marr Real Estate Fraud**

17. On March 12, 2018, William Witherspoon, advised that Candida Della Valle's account received a suspicious wire transfer originating from Marr Construction in the amount of \$209,000.00 on February 23, 2018.

18. On March 15, 2018, your Affiant contacted John Marr III regarding the \$209,000.00 wire transfer he sent to Aviva Trade, account number 325104833272, who advised the following.

19. On February 21, 2018, Marr, who resides in Maryland, received from his attorney Joan Becker, also located in Maryland, the wire instructions for the closing of his property. Attorney Joan Becker advised Marr to wire the funds to, "Joan Becker LLC/Settlement Trust Account."

20. On February 22, 2018, Marr received another set of wire instructions from whom he believed was his attorney, Joan Becker. However, these instructions advised him to wire the funds to Bank of America, account number 325104833272, account name Aviva Trade.

21. On February 23, 2018, Marr wired transferred \$209,000.00 to the Bank of America Aviva Trade account, account number 325104833272.



22. On February 28, 2018, Attorney Joan Becker advised she never received the funds.

23. William Witherspoon, Investigator from Bank of America confirmed that \$209,000.00 was wire transferred into Bank of America account 325104833272, in the account name of Candida Della Valle, on February 23, 2018.

24. On February 26, 2018, two intra bank wire transfers were made from Bank of America account 325104833272 to Bank of America account 898089459813 in the account name of JOELT LLC, in the amounts of \$55,000.00 and \$100,000.00.

25. On February 26, 2018, an intra bank transfer was made to Bank of America account 325078156645 in the name of Candida Della Valle in the amount of \$21,000.00.


26. On April 9, 2018, three Federal Seizure warrants were served on the above referenced accounts.

27. The Bank of America account 325078156645 yielded a seizure in the amount of \$21,000.00.

28. The Bank of America account 325104833272 yielded a seizure in the amount of \$1,280.00.

29. The Bank of America account 898089459813 did not yield any funds due to the fact the account was closed with cashier's check number 1221344 on March 6, 2018, in the amount of \$407,101.52, including \$155,000.00 of fraud proceeds that had been traced into this account.

30. On April 20, 2018, William Witherspoon, Investigator from Bank of America confirmed that the \$407,101.52 cashier's check was deposited at Wells Fargo

Bank on March 8, 2018, and deposited into account number 8367022202 in the name of JOELT LLC. 

31. On April 24, 2018, Lisa Tennyson, Investigator from Wells Fargo Bank confirmed the deposit of the \$407,101.52 cashier's check into Wells Fargo bank account 8367022202 in the account name of JOELT LLC. Lisa Tennyson advised that the ending balance of account 8367022202 after the numerous outgoing wire activity is \$41,087.38, only \$15,314.90 of which can be traced to fraud proceeds. Lisa Tennyson stated that account 8367022202 was opened March 1, 2018.

32. On April 24, 2018, Lisa Tennyson stated that several wire transfers were made from the Wells Fargo Bank account 8367022202 as follows:

33. On March 9, 2018, Bank of America account number 229056878672 in the name of ML USA Consulting LLC, received a wire transfer in the amount of \$39,685.10 from the Wells Fargo Bank account 8367022202.

34. On April 24, 2018, William Witherspoon confirmed that the Bank of America account did receive these funds. William Witherspoon stated that account 229056878672 was opened March 5, 2018.

35. On March 14, 2018, Compass Bank account number 6757334648 in the name of Michael Propach received a wire transfer in the amount of \$100,000.00 from Wells Fargo Bank account 8367022202.

36. On April 26, 2018, Karen Garrison, Investigator from Compass Bank confirmed the deposit of these funds into Compass Bank. Karen Garrison stated that account 6757334648 was opened on March 8, 2018.

37. Based on the information above, there is probable cause to believe all funds up to the amount of \$39,685.10 in the Bank of America account number 229056878672 in the account name of ML USA Consulting LLC., are traceable to an intercepted wire transfer meant for Attorney Joan Becker. In addition, approximately \$15,314.90 remains in the Wells Fargo Bank account number 8367022202 in the name of JOELT LLC and \$100,000.00 remains in the additional Compass Bank account 6757334648 in the name of Michael Propach.

**Relevant Legal Authority**

38. Title 18, United States Code, Section 981(a)(1)(c) provides for the forfeiture of any property, real or personal, which constitutes or is derived from proceeds traceable to a violation of any offense, or a conspiracy to commit such an offense, which constitutes "specified unlawful activity," as defined in Title 18, United States Code, Section 1956(c)(7).
39. Pursuant to Title 18, United States Code, Section 1961(1)(D), as incorporated by Title 18, United States Code, Section 1956(c)(7)(A), the term "specified unlawful activity" includes wire fraud in violation of Title 18, United States Code, Section 1343.
40. Pursuant to Title 18, United States Code, Section 981(b), this Court is empowered to issue a seizure warrant for any property subject to forfeiture under Title 18, United States Code, Section 981.
41. Pursuant to Title 18, United States Code, Section 981(b)(2), seizures pursuant to Section 981 "shall be made pursuant to a warrant obtained in the



same manner as provided for a search warrant under the Federal Rules of Criminal Procedure.”

42. Pursuant to Title 18, United States Code, Section 981(b)(3) and Title 28, United States Code, Section 1355(b), notwithstanding the provisions of Federal Rule of Criminal Procedure 41(a), a seizure warrant may be issued pursuant to Section 981(b) by a judicial officer in any district in which acts or omissions giving rise to the forfeiture occurred, and may be executed in any district in which the property is found.

43. Pursuant to Title 18, United States Code, Section 984, in any forfeiture action in rem in which the subject property is cash or funds deposited in an account in a financial institution, any identical property found within one year in the same place or account as the property involved in the offense that is the basis for the forfeiture shall be subject to forfeiture.

### **CONCLUSION**

44. Based on the investigation described above, probable cause exists to believe that Candida Della Valle and others committed violations of Title 18, United States Code, Sections 1343 (Wire Fraud), 1956 (Money Laundering), and Section 1957 (Monetary Transactions in Property Derived from Specified Unlawful Activity).

45. There is probable cause to believe that the funds contained in the above listed bank accounts constitute proceeds traceable to violations of Title 18, United States Code, Sections 1343, 1956, and 1957 and are, therefore, subject to forfeiture pursuant to Title 18, United States Code, section 981 (a)(1)(A) and (C), and subject to seizure pursuant to Title 18, United States Code section 981(b).



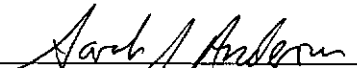
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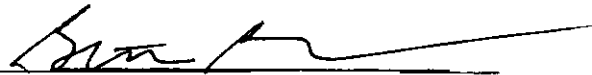
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46. Accordingly, your affiant seeks seizure warrants for the following property:
- a. All funds up to \$100,000 in Compass Bank account 6757334648 in the name of Michael Propach;
  - b. All funds up to \$39,685.10 in the Bank of America account 229056878672 in the name of ML USA Consulting LLC;
  - c. All funds up to \$15,314.90 in Wells Fargo Bank account 8367022202 in the name of JOELT LLC.

I, Sarah Anderson, Special Agent, with the Federal Bureau of Investigation, being duly sworn according to law, hereby state that the facts stated in the foregoing affidavit are true and correct to the best of my knowledge, information and belief.

  
Special Agent Sarah Anderson  
Federal Bureau of Investigation

Subscribed and sworn to me this 22<sup>nd</sup> day of May 2018 in Baltimore, Maryland

  
Beth P. Gesner  
Chief, Magistrate Judge